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Paper No. 31

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**APR 30 2004**

In re Application of  
David Andrew D'Zmura  
Application No. 09/849,582  
Filed: May 5, 2001  
Attorney Docket No.: None

Title: METHOD OF DETERMINING ZODIAC  
SIGNS

**OFFICE OF PETITIONS**

DECISION ON THIRD RENEWED  
PETITION UNDER 37 C.F.R.  
§1.137(A)

This is a decision on the third renewed petition under 37 CFR §1.137(a)<sup>1</sup> filed April 16, 2004. The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due (notice), mailed June 2, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue fees<sup>2</sup>. Accordingly, the above-identified application became abandoned on September 3, 2003.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that petitioner has met his burden of establishing that the delay was "unavoidable."

Accordingly, the petition is **GRANTED**. After the mailing of this decision, the application will be forwarded to the Office of Patent Publications for further processing into a patent.

The change of correspondence address has been entered and made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0011. Questions pertaining to this application should be directed towards the Office of Patent Publication at (703) 305-8497.

**Paul Shanowski**  
**Senior Attorney**  
**Office of Petitions**  
**United States Patent and Trademark Office**

<sup>1</sup> A grantable petition pursuant to 37 CFR 1.137(a) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(l);
- (3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

<sup>2</sup> See MPEP §710.02(e).